

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61809 of 2017

Arising Out of PS.Case No. -89 Year- 2011 Thana -HARLAKHI District- MADHUBANI

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Rajiv Karn @ Rajiv Kumar Karn, S/o Madanlal Das @ Madan Chandra Lal Das, resident of Village- Babubarhi, P.S.- Babubarhi, District- Madhubani, Bihar, 847224.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Labh

For the Opposite Party/s : Mr. Smt. Madhuri Lata

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 21-12-2017

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 302 and 201/34 of the Indian Penal Code.

The prosecution case, as per the fard-beyan of Vinod Sada, the Chaukidar, dated 15.10.2011, is to the effect that after hearing the shouting of people, he came near the bridge of Thumhani river and saw a dead body was floating, upon which local SHO was informed. The dead body was taken out from the water channel and it was found that injuries were inflicted and from the dead body voter identity card issued by



Election Commission was recovered which suggested that the name of the dead person was Rahmatullah, leading to the registration of the FIR against unknown.

Subsequently, during investigation the name of the petitioner transpired when it came to light that the deceased had illicit relationship with the wife of one Ram Sagar Gupta and on account of aforesaid relationship, the victim was allegedly killed by the petitioner and others. Considering the fact that there is no eye witness to the occurrence and except the confession, there is nothing against this petitioner, while the similarly situated persons have been granted bail by a co-ordinate Bench of this Court vide order dated 26.04.2012 passed in Cr. Misc. Nos. 6957 of 2012, 8950 of 2012, 12471 of 2012 and 11920 of 2012, as contained in Annexure-9. It further transpired that vide Final Form No. 125/2011 eight persons excluding the petitioner have been charge-sheeted and investigation against the petitioner is still pending.

Considering the nature of accusation based on mere suspicion, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the



learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Benipatti, Madhubani in connection with Harlakhi P.S. Case No. 89 of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned Court below will be at liberty to cancel the bail bonds of the petitioner, if the petitioner fails to co-operate in the investigation.

(Dinesh Kumar Singh, J)

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